

Office of City Auditor

Review of the Civil Service Commission

August 9, 2001

Project Team: David Jones
Yanira Cuellar

City Auditor: Susan Cohen

City of Seattle

1100 Municipal Building
Seattle, Washington 98104-1876



Printed on Recycled Paper

August 9, 2001

The Honorable Paul Schell
Seattle City Councilmembers
City of Seattle
Seattle, Washington 98104-1876

Dear Mayor Schell and City Councilmembers:

Attached is our audit report regarding the Civil Service Commission (CSC). We conducted this audit to determine whether the CSC could operate more effectively and efficiently. Overall, we found that the CSC has significant room for improvement. The report's Results In Brief section (see page one) provides a brief summary of the report's conclusions and recommendations.

We provided the Commissioners and CSC staff with numerous opportunities to comment on our draft audit findings and have incorporated their comments as appropriate into this published report. In addition, the Commission provided us with a formal, written response to the audit report that we attached as an addendum (see Addendum Four). In their formal response, the CSC's Commissioners stated that they had already implemented some of our recommendations and were reviewing others to determine which of them will be adopted.

David Jones, the Deputy City Auditor, was the auditor-in-charge for this project. Please call David (233-1095) or myself (233-1093) if you have any questions regarding this work.

To improve our work, we ask our readers to complete and return the evaluation form at the back of this report.

Sincerely,

Susan Cohen
City Auditor
Enclosure

TABLE OF CONTENTS

Review of the Civil Service Commission	1
▪ Introduction	1
▪ Results in Brief	1
Overall Recommendation	1
Civil Service Commission Response	1
▪ Results of Our Work	2
1. The roles and responsibilities of the members of the Civil Service Commission need to be clarified and formally documented.	2
Recommendation	4
2. Some Departments have concerns about the Commission's pre-hearings process	5
Recommendation	5
3. Questions about the CSC's jurisdiction.	6
Recommendation	7
4. The Commission's monthly meetings could be run more effectively and efficiently.	7
Recommendation	7
5. The CSC needs to revise its Rules and Procedures.	8
Recommendation	8
6. Inadequate workspace for Administrative Staff Assistant.	9
Recommendation	9
Addendum One	10
▪ Authority of the City Auditor	10
▪ Background on the Civil Service Commission	10
CSC Noteworthy Accomplishments	12
▪ Scope and Methodology	12
Addendum Two	
▪ Status of 1998-2000	
Civil Service Commission Appeals as of May 14, 2001	14
Addendum Three	
▪ Survey of Selected Boards and Commissions	15
Addendum Four	
▪ Civil Service Commission Response to Audit Report	16

Review of the Civil Service Commission

INTRODUCTION

We conducted a review of the Civil Service Commission (CSC) to determine whether it could operate more effectively and efficiently. Overall, we found that the CSC has significant room for improvement.

For information on the authority of the City Auditor, background information about the CSC including a summary of some of its noteworthy accomplishments, and the scope and methodology of this review, please see Addendum One.

RESULTS IN BRIEF

After observing several Commission meetings and pre-hearing conferences, interviewing the CSC's Commissioners, CSC staff, other City officials, and examining CSC documents, we concluded that the CSC could improve its efficiency and effectiveness, and strengthen its appearance of objectivity by taking steps to:

- Clarify the roles and responsibilities of the Commissioners, the Executive Director, and the Hearing Examiner;
- Address City departments' concerns regarding the CSC's pre-hearing process;
- Clarify a jurisdictional issue departments have raised questions about;
- Conduct its monthly meetings more effectively and efficiently;
- Revise the CSC's rules and procedures; and
- Arrange adequate workspace for the Administrative Staff Assistant.

Overall Recommendation: The Mayor and the City Council need to ensure that the Commissioners have the capacity to address the tasks listed above. Then, the Commissioners will need to determine whether CSC staff members are able to work with them to ensure that these tasks are appropriately addressed. These actions are necessary for the CSC to attain and maintain a Citywide reputation for objectivity, effectiveness, and professionalism.

Civil Service Commission Response: In the CSC's formal response to this audit report (see Addendum Four), the CSC's Commissioners stated that the CSC had implemented some of our recommendations and was in the process of determining whether others should also be adopted.

RESULTS OF OUR WORK

1. The roles and responsibilities of the members of the Civil Service Commission need to be clarified and formally documented.

The COSO¹ and COCO² internal control frameworks, which were developed by the leading auditing and accounting organizations in the United States and Canada, stress the importance of an organization's personnel having clearly defined authority and responsibilities. The COCO framework states that "authority, responsibility, and accountability should be clearly defined and consistent with an organization's objectives so that decisions and actions are taken by the appropriate people."

The Seattle Municipal Code (SMC) assigns responsibility for supervising the CSC's staff to the Commissioners. According to the Seattle City Charter, the Commissioners as a whole are the head of the CSC. Given that the Commissioners only meet for a few hours each month and rarely hear appeals³, it is not feasible for the Commissioners to supervise the daily activities of their staff. For example, the Commissioners do not attend pre-hearing conferences, during which many of the CSC's appeals are resolved.⁴

The Commissioners do not appear to have a common or clear understanding of their responsibilities for managing the CSC's budget, staff, and goals. The CSC's Rules of Practice and Procedure primarily define the duties of CSC members as they relate to appeals. The CSC's operational, personnel policy, and program development responsibilities are not adequately defined in any document.

Executive Director: The Executive Director's position is an extremely important one because the person in this position sets the tone for the CSC within the City and interacts with the Mayor's Office, City Council, and City departments.

The Commissioners do not have a common understanding of the role and authority of the Executive Director. There is disagreement or confusion within the CSC over such issues as:

- Coordination of the Hearing Examiner's activities;
- Approval of the Executive Director's schedule;
- Development, review, and approval of the CSC's annual budget;
- Types of communications to external parties generated by the Executive Director that should be subject to review by one or all of the Commissioners before transmittal;

¹ Committee of Sponsoring Organizations of the Treadway Commission: *Internal Control Integrated Framework*, 1994.

² The Canadian Institute of Chartered Accountants: *Control and Governance – Number 1: Guidance on Control*, November 1995.

³ During 1998-2000, only three (4%) of the 69 CSC appeals reached the Commissioners' level. See Addendum Two for detailed information.

⁴ See Addendum One for a basic description of the various phases of the CSC's appeals process.

- Extent of the Executive Director's authority to work directly with the Mayor's Office, the City Council, and Department heads;
- When strategic advice or information should be provided to the Commissioners regarding review of pending legislation and personnel system policy changes;
- Preparation, review, and approval of the agenda and materials for the CSC's monthly meetings; and
- Communicating with the Law Department about the legal services the Department provides to the CSC.

It is essential for the Commissioners to develop a common understanding of what activities have been delegated to the Executive Director.

The current set of Commissioners have not agreed upon the document that should serve as the job description for the position. This issue was a topic of debate among the Commissioners throughout 2000, and they began a process to consider the Executive Director's job description in the fall of 2000. A Position Description Questionnaire (PDQ) for the position was signed in June 1998 by the Commission's Chair; two of the current Commissioners were serving on the CSC at that time. A PDQ can serve as the job description for an exempt position, but its terms can be modified due to changing business needs and may be supplemented by other documents or expectations communicated by management.⁵ We believe that management's supervisory responsibilities are greatly aided when its employees have up-to-date, accurate, written job descriptions.

We obtained information about four City boards or commissions⁶ concerning their processes for approving budgets, external correspondence, and lead staff timecards (see Addendum Three for a summary of this information). These entities had different methods for the approval of budgets and the review of external correspondence. On the other hand, the lead staff members of all of these organizations said they did not have their timecards approved by their governing bodies, but they did tell their boards or commissioners when they would be absent from work for an extended period.

According to the COCO control framework, an effective organization should foster an "atmosphere of mutual trust" because "some level of mutual trust between people is essential to control. Mutual trust supports the flow of information that people need in order to make decisions and take action. It also supports the cooperation and delegation that are required for effective performance toward the achievement of the organization's objectives. Trust is based on confidence in the other person's or group's integrity and competence."

We believe an atmosphere of mutual trust is not currently present within the CSC and that this has decreased its efficiency and effectiveness. The Commissioners need to take steps to improve their level of trust with the Executive Director, and among themselves. A key component of such a process would be to come to agreement on the authority and responsibilities of the Executive

⁵ The CSC's Executive Director is an exempt employee. SMC 4.04.030 states that an exempt employee serves at the discretion of the appointing authority and is exempted from compliance with the City's Personnel Ordinance regarding selection, discipline and discharge of employees, and appeals of personnel actions to the CSC.

⁶ The Ethics and Elections Commission, Seattle Planning Commission, Seattle Police Pension Board, and the Public Safety Civil Service Commission.

Director. However, if the Commissioners cannot achieve consensus on this issue, a majority vote of the Commissioners would be necessary.

CSC Chair: The Commissioners are also not in agreement regarding the appropriate role of the Chair, with the exception that they agree the Chair should run the monthly meetings. In February 2000, the Law Department advised the CSC that the Chair was authorized to run the CSC's meetings and that any additional authority delegated to the Chair by the other Commissioners should be reflected in the CSC's Rules. Currently, the Chair's role is not addressed in the CSC's Rules and Procedures, and the process and timing for designating the Chair is not documented.

The CSC Chair's role needs to be clarified in writing. For example, what role should the Chair play, if any, in:

- Reviewing and influencing the agenda and content of the monthly meetings; and
- Supervising or monitoring the activities of CSC staff.

CSC Hearing Examiner: The CSC's Commissioners do not share a common understanding of the authority and role of the Hearing Examiner during pre-hearing conferences. The CSC's Hearing Examiner presides over most pre-hearing conferences, which are also frequently attended by the Executive Director.⁷

The CSC's Rules state that the Commissioners may delegate their powers to hear and decide an appeal either to a hearing examiner from the City's Office of Hearing Examiner, or any other hearing examiner the Commission selects. The Rules further state that if the selected hearing examiner conducts the pre-hearings, s/he shall follow the procedures applicable to the City's Office of Hearing Examiner. Under the Office of Hearing Examiner's rules, a hearing examiner may conduct pre-hearing conferences.

Recommendation: We recommend that the CSC clarify and document the roles and responsibilities of the Commissioners and CSC staff for appeals as well as for operational, administrative, personnel policy recommendations, and program development issues. Any authority delegated to the Chair beyond that of other Commissioners should also be documented.

We also recommend that whenever a new Commissioner is appointed or elected to serve, the CSC meet to discuss its governing legislation (i.e., City Charter and SMC) and rules and operating procedures to help ensure that there is a clear understanding and consensus about the CSC's rules, authority, and the roles and responsibilities of all CSC personnel. This will also help new Commissioners become more effective in a shorter period of time. For example, the Commissioners and CSC staff could meet in a retreat setting to ensure that new personnel are familiar with the CSC's rules and roles.⁸

⁷ The Executive Director stated that she attends first pre-hearing conferences, but does not typically attend second pre-hearing conferences. The CSC's Rules of Practice and Procedure authorize the Executive Director to conduct "pre-hearing settlement conferences" (Rule 2.16 (1)).

⁸ The Executive Director stated that she has provided orientation and training to new Commissioners. During the orientation, a new Commissioner is provided with materials such as the CSC's Rules of Practice and Procedure, the City Charter, SMC, and Public Meetings Act.

Given that the level of mutual trust needs to be improved within the CSC, the Commission may wish to consider using an outside facilitator to assist with some of the internal discussions it must hold in the future.

2. Some Departments have concerns about the Commission's pre-hearings process.

We solicited information from officials in departments whose employees had filed appeals with the CSC between 1998 and 2001. Several departments expressed concerns about the CSC's pre-hearings process. The CSC's Rules of Practice and Procedure state that the purposes of pre-hearing conferences are to consider: (1) the identification and simplification of issues that are in dispute; (2) the disclosure of witnesses to be called and evidence to be presented, and the making of stipulations to avoid unnecessary proof; (3) motions; and (4) such other matters as may aid in the hearing or disposition of the appeal. It has been the CSC's practice to have parties to an appeal attend pre-hearing conferences before a formal hearing is held before the CSC's Hearing Examiner. The CSC's 1998 Annual Report states that a pre-hearing conference is held to establish the issues of an appeal and to determine whether the appeal can be informally resolved. The report indicated that the Commission is a strong proponent of the cost-effectiveness of alternative dispute resolution. Also, the CSC's Rules authorize the Executive Director to "conduct pre-hearing settlement conferences in order to encourage resolution of contested matters."⁹

Department concerns about the pre-hearing process included the timeliness of submitted appeals, the CSC's jurisdiction over certain appeals, and the conduct of CSC staff during pre-hearing conferences.¹⁰ Unfortunately, we were unable to fully investigate concerns regarding the pre-hearing conferences because unlike the CSC's monthly meetings, these meetings are not recorded on audio tape. The lack of a detailed record of the pre-hearings also makes it extremely difficult for the Commissioners to fulfill their supervisory duties over CSC staff in the event of a department complaint.

Recommendation: The CSC should tape record the pre-hearing conferences so that the Commissioners can effectively monitor CSC staff performance, judge the veracity of any complaints about CSC proceedings, and take proactive steps to prevent the recurrence of questionable conduct during the pre-hearings process.¹¹ The tape recording should begin as soon as CSC staff members enter the room for the pre-hearing conference.

The Commissioners should establish a quality assurance system for the pre-hearing process by assigning one Commissioner on a rotating basis to listen to the tape-recorded proceedings.¹² Any concerns identified by the assigned Commissioner should be reviewed with the other

⁹ It is unclear whether "contested matters" refers to resolving the appeal or resolving contested facts such as the issues to be considered during the appeal. The Commission may wish to consider clarify this issue by providing written guidance on it.

¹⁰ We discussed departments' concerns about the conduct of CSC staff during pre-hearing conferences in a separate management memorandum addressed to the CSC's Commissioners.

¹¹ This idea was brought to our attention in a February 26, 2001 memorandum written by the CSC's Executive Director. In the memorandum, the Executive Director stated that the CSC's Hearing Examiner was considering taping all pre-hearing conferences to ensure that false allegations made about the conduct of the Hearing Examiner and the Executive Director could be refuted.

¹² In her March 27, 2001 comments on the formal audit draft, the Executive Director suggested that the Commissioners attend some pre-hearings to become better acquainted with the pre-hearing process.

Commissioners, and when necessary, discussed with the Executive Director and/or Hearing Examiner.

The roles of the Executive Director and Hearing Examiner during pre-hearings should be clearly documented and updated in the CSC's Rules and Plain Language Guide and disseminated to department officials to prevent misunderstandings by department officials about the duties of CSC personnel. This guidance should include an explanation of the role of CSC staff in discussing the option of settlement.

Departments should consider filing appeals on any rulings that the department believes are unwarranted on pre-hearing motions. If departments have concerns about the conduct of CSC staff during pre-hearings or any other phase of the appeal process, they should consider submitting complaints to the CSC after it has finished considering the appeal.¹³

3. Questions about the CSC's jurisdiction.

Some departments expressed concern about CSC Rule 7.02, which states that "[t]he Commission reserves the authority to determine its own jurisdiction."¹⁴ To the departments, this language suggests that the CSC has given itself the right to set its own limits, perhaps even to exceed its already broad Charter authority to "hear appeals involving the administration of the personnel system."¹⁵

CSC officials do not believe that Rule 7.02 gives them any authority beyond that granted by the Charter. But they assert that this rule, and another rule that allows the CSC to waive any requirements of its Rules "[u]pon a showing that the purposes of the Charter and ordinances of the City of Seattle would be better served,"¹⁶ are necessary to ensure that the CSC has the discretion to fulfill its Charter mission.

We believe the concerned departments may have misunderstood the "jurisdiction" rule. The Charter states that the CSC will hear appeals involving the administration of the City's personnel system, and that the personnel system is to be established by ordinance and administered by the Personnel Director.¹⁷ Although the CSC is authorized by the Charter and the SMC to establish rules for its own operation,¹⁸ it cannot give itself more authority than it has been granted by the Charter and the SMC, and it did not intend to do so by this rule. Based on discussions with CSC officials, we concluded that the rule means that the CSC reserves the authority to determine whether an appeal falls within its existing jurisdiction. In other words, it is meant to clarify that when an appeal is filed, only the CSC can decide whether the appeal can be characterized as "involving the administration of the personnel system." A department may challenge the CSC's jurisdiction over an appeal in an appropriate motion to the CSC, or in an appeal to the courts from a final CSC decision.

¹³ CSC Rule 2.05 permits a department or appellant, before the start of a hearing, to file a motion to disqualify the presiding hearing examiner or commissioner.

¹⁴ CSC Rules of Practice and Procedure, Rule 7.02.

¹⁵ Charter of the City of Seattle, Article XVI, Section 5.

¹⁶ CSC Rules, Rule 1.05.

¹⁷ Charter, Article XVI, Sections 1 and 5.

¹⁸ Charter, Article XVI, Section 6; SMC 4.04.250.L.

Recommendation: The CSC should revise the jurisdictional language of Rule 7.02 so that it accurately reflects its lawful and intended meaning: that only the CSC may determine whether an appeal falls within its jurisdiction, as established by the Charter and the SMC.

4. The Commission’s monthly meetings could be run more effectively and efficiently.

The efficiency and effectiveness of the CSC’s monthly meetings could be improved. In 2000, CSC meetings became less efficient and effective, and the length of its monthly meetings increased significantly from the previous year.

Recommendation: The Commissioners should consider the following:

- Consistently conduct meetings according to parliamentary procedures, such as “Robert’s Rules of Order.” Adopting parliamentary procedures would help the Commissioners clarify the intent of their motions, approvals, and agenda revisions, and ensure a more orderly transaction of business. For example, during its February 25, 2000 meeting, the CSC discussed whether the Hearing Examiner should be paid to attend the CSC’s monthly meetings. Subsequently, the Executive Director began paying the Hearing Examiner for attending the meetings, in the belief that the Commissioners had approved such payments at the February meeting. However, none of the Commissioners were of the opinion that they had authorized the payments. Upon reviewing a tape of the February meeting, we concluded that the Commissioners did not authorize such payments to the Hearing Examiner.
- The Commissioners need to decide on a mechanism they can use for tracking action items that have not been completed, such as research being done by the Law Department, drafts or communication requested of the Executive Director, the status of the CSC’s Goals, Actions, Results, and Measures (GARMs), or Business Plan Performance Measures.
- The CSC should conduct significant CSC business at the beginning of the meeting. Items such as discussion of appeals, progress towards the CSC’s GARMs, new business related to the CSC, and CSC budget items should be given priority at the beginning of the meeting because they involve the CSC’s Charter responsibilities.
- Most of the discussion during the Chair and Commissioners Comments agenda item did not directly pertain to CSC business, and added to the length of the meetings and the time required to prepare the minutes. The Commissioners should exchange this non-CSC information during informal discussions before or after the meeting.
- The CSC should be familiar with the requirements of the Open Meetings Act, RCW Chapter 42.30. We noted that the Chair did not always adhere strictly to the procedures for announcing an Executive Session. We recommend that the Chair have a copy of the Open Public Meetings Act list of allowable Executive Sessions available at CSC meetings, and that the presiding officer identify which exception is being invoked and when the CSC will come back on record. When meeting in Executive Session, the Commissioners also need to conduct the session in a manner that is consistent with the cited exception of the Open Meetings Act.

- The Commissioners also need to clearly communicate when the adjournment to a Closed Session or Executive Session is related to quasi-judicial matters (i.e., sessions not subject to the terms of the Open Meetings Act).
- The Commissioners could achieve increased oversight over the CSC's operations by receiving reports, during the CSC's monthly meetings, on the costs of pre-hearings and hearings.¹⁹ According to the Executive Director, a system has been in place since August 1999 to track the costs of the CSC's pre-hearings and hearings processes. The system tracks the hours spent by each participant in a pre-hearing or hearing, and generates the cost data by multiplying each participant's hours of attendance by her/his hourly compensation rate. The system also shows the number of pre-hearings held on each appeal as well as the time spent by the Hearing Examiner and/or Executive Director on reviewing motions, formulating rulings, and consultations. According to the Commissioners, they are not currently provided with periodic reports generated by the cost tracking system. We recommend that the Executive Director use the tracking system to prepare monthly reports for the Commissioners on the costs of ongoing and recently completed appeals.

5. **The CSC needs to revise its Rules and Procedures.**

It is essential that the CSC as a body which hears appeals concerning the personnel system, have rules and procedures that are clear, comprehensive, and current. Appellants and department officials rely on such guidance to gain an understanding of the CSC's policies and procedures. The CSC does not have comprehensive, clearly defined rules to govern its operations. The CSC's Rules of Practice and Procedures, which deal primarily with the appeals process, are confusing, out-of-date, and poorly organized. For example, there is one case in which the CSC's Rules appear to conflict with the authority granted by the SMC. The CSC's Rules state that the Commission may authorize CSC staff "...to investigate any appeal relating to the enforcement or application of the Personnel Ordinance or rules, which do not involve a disciplinary or reclassification proceeding."²⁰ However, the only investigative authority granted to the CSC in the SMC is limited to investigating complaints alleging inappropriate pressure by the Mayor or City Council in City hiring decisions.²¹ The CSC's Rules may not expand its authority beyond that stated in the City Charter and SMC.

CSC staff has been trying to revise the CSC's rules since 1994. The current Executive Director has been working on revising the Rules since 1999, and she believes this is a high priority.

Recommendation: The project to revise the CSC Rules and Procedures should be a top priority for the CSC. The CSC should revise its Rules as soon as practicable pursuant to the City's Administrative Code.²² The Code requires public notice, publication of the proposed rules, and an opportunity for those affected to comment upon the proposed rules.

6. **Inadequate workspace for Administrative Staff Assistant.**

¹⁹ Both the COCO and COSO internal control frameworks state that for an organization to operate effectively, supervisors should have the means to monitor various aspects of its operations.

²⁰ CSC Rule 2.16 (2)

²¹ SMC 4.04.250 (L) (4)

²² SMC .04.250 (L) (2) states that the CSC is "[t]o make rules for the conduct of Commission business pursuant to the Administrative Code of the City (Ordinance 102228)."

During the time we were conducting our fieldwork, the CSC's Administrative Staff Assistant did not have adequate workspace. Her work area was directly in front of the door to the offices of the CSC and the Public Safety Civil Service Commission, so that she was the first contact for people who come to visit either Commission. At times, the Public Safety Civil Service Commission experiences a large amount of walk-in traffic, which interrupts the work of the Administrative Staff Assistant, and impedes her ability to perform her job effectively. Because the CSC's office staff consists of two individuals charged with many responsibilities, this interruption impedes the CSC's ability to function effectively and efficiently.

Recommendation: The Fleets and Facilities Department, the City Budget Office and the CSC should work together to develop a solution to this problem.

Addendum One

Authority of the City Auditor, Background on the Civil Service Commission, and Scope and Methodology of the Review

AUTHORITY OF THE CITY AUDITOR

The City Charter establishes the position of City Auditor and authorizes his/her authority to review all aspects of City government. The City Auditor's mission is to help achieve honest, efficient management and full accountability throughout City government. To this end, the City Auditor provides the City Council, the Mayor, City managers, and citizens with accurate information, unbiased analyses, and objective recommendations on how best to use public resources in support of the well-being of the citizens of Seattle.

In general, the City Auditor's staff conduct work in accordance with the Government Auditing Standards issued by the Comptroller General of the United States. The Standards provide guidelines for staff training, audit planning and fieldwork, and reporting of results.

BACKGROUND ON THE CIVIL SERVICE COMMISSION

The Civil Service Commission (CSC) is a three-member appellate body established in 1979 by the Seattle City Charter. The CSC has three Commissioners who serve staggered three-year terms. One member is selected by the Mayor, one by the City Council, and one member is elected by the City's regular and probationary employees, excluding members of the Public Safety Personnel System.²³

The CSC has two full-time staff: an Executive Director and an Administrative Staff Assistant. According to the CSC's rules, the Executive Director is appointed by the Commissioners and may be removed by the vote of two Commissioners. The Executive Director appoints the Administrative Staff Assistant, with the approval of the Commissioners. For the last thirteen years the CSC has also retained one individual to serve as the CSC's Hearing Examiner. She was appointed by the Commissioners after a competitive hiring process.

The City Charter states that the CSC should "hear appeals involving the administration of the personnel system." The Charter also states that the Commission "may also submit to the Mayor and City Council such recommendations concerning the personnel system as it deems appropriate."²⁴ These recommendations do not have to be linked to an appeal filed with the CSC.

The Seattle Municipal Code states that the Commission's duties are to:

- 1) Appoint, remove, and supervise CSC staff;
- 2) Make rules for the conduct of the CSC's business;
- 3) Hear appeals involving the administration of the personnel system;

²³ SMC 4.04.250 (C) states that elected, exempt, and temporary employees may not vote in the election.

²⁴ Article XVI, Section 5

- 4) Conduct investigations and issue findings regarding any complaints regarding political patronage;
- 5) Issue remedial orders, such as to reinstate an employee, introduce legislation for recovery of lost wages and benefits, and to have the option to make recommendations to the Mayor and City Council;
- 6) Review and comment upon rules promulgated by the Personnel Director; and
- 7) Delegation of Powers. "The Commission may delegate its powers, in whole or in part, to a hearing examiner who may be from the City Hearing Examiner's office. Decisions of a Hearing Examiner may be appealed to the Commission. The Commission may not delegate its powers to, or employ the services of, the Personnel Director or a member of the Personnel Division."²⁵

The City Charter states that all regular City employees may submit appeals to the CSC, except the following: elected officers, heads of departments, assistant City Attorneys, members of boards and commissions, and those who hold positions that have been exempted by ordinance.²⁶

The CSC's Executive Director reviews each appeal filed with the CSC to determine whether it was timely filed, the action appealed from is a final action, and whether the issue should be referred to the Commission to determine whether it falls within its jurisdiction. The CSC's Rules of Practice and Procedure set forth various timelines for submission of matters for the Commission's consideration.

Generally, after the CSC has accepted an appeal, a CSC staff member schedules a pre-hearing conference with the parties to the appeal. According to the CSC's Rules, the purposes of a pre-hearing conference are to consider:

- The identification and simplification of issues that are in dispute;
- The disclosure of witnesses to be called and evidence to be presented, and the making of stipulations to avoid unnecessary proof;
- Motions; and
- Such other matters as may aid in the hearing or disposition of the appeal.

The Executive Director and/or Hearing Examiner usually attend the pre-hearing conferences.

Generally, if an appeal can not be resolved during the pre-hearing conference phase, it will progress to a formal hearing before the CSC's Hearing Examiner. The CSC's Rules states that the "Commission may delegate its powers to hear and decide an appeal, in whole or in part, to the Office of the Hearing Examiner of the City of Seattle or another hearing examiner subject to review by the Commission. If referred to another hearing examiner, the procedures applicable to the Office of the Hearing Examiner apply."²⁷

²⁵ Section 4.04.250

²⁶ Article XVI Section 3

²⁷ CSC Rules of Practice and Procedure, Rule 7.02

Once the Hearing Examiner makes a decision on an appeal, any party may file a petition for a review of the decision by the Commissioners. The Commissioners will reverse or modify a decision of the Hearing Examiner if the decision is based on a "material error or fact; or the decision misapplies the Personnel Ordinance or rules or law; or it fails to do substantial justice. The party seeking review of the decision of the Hearing Examiner has the burden of showing error of fact or law."²⁸

A party may move for reconsideration of the Commissioners' decision, but it must be on the basis of fraud, mistake, or misconception of the facts.²⁹ Decisions of the Commissioners are considered final and conclusive unless a "party of record" makes an application within 14 days of the decision to King County Superior Court for a writ of review.³⁰

CSC Noteworthy Accomplishments

The CSC has had some noteworthy accomplishments during the past three years.

Since 1998 the CSC has increased the percentage of appeals that it adjudicated within a year of filing.

The CSC established a web site that provides information on various CSC processes, procedures, and activities. The site may be accessed by City employees through either the City's intranet Inweb site or the City's Internet web site (cityofseattle.net). The CSC's Rules, appeal forms, meeting agendas and minutes, and links to appropriate laws, and personnel policies are available on the CSC's web site.

In 1999 the CSC prepared and presented the CSC's 1998 Annual Report, which according to CSC officials was the first annual report prepared by the CSC since it was created in 1979, to the City Council Finance Committee. The report, which is available on the CSC's web site, includes a variety of statistical data on the CSC's handling of appeals as well as comparative data on City disciplinary actions from department to department.

During 1998 and 1999, the Executive Director conducted departmental training on the CSC's purpose and process. This training could be very beneficial to City departments if it helps them avoid mistakes in the administration of personnel matters. The CSC plans to continue to pursue its goal of training all City supervisors and managers.

Finally, the CSC is considering appropriate ways to continue its collaborative, positive relationship with the City's Alternative Dispute Resolution program.

SCOPE AND METHODOLOGY

Our review focused primarily on the CSC's activities during 1999 and 2000.

During this review we:

²⁸ CSC Rules of Practice and Procedure, Rule 8.10

²⁹ CSC Rules, Rule 8.24

³⁰ CSC Rules, Rule 8.29

- Interviewed CSC Commissioners and staff, and City department officials who interacted with the CSC between 1998 and 2001;
- Examined and evaluated documents pertaining to the CSC, including the CSC's Rules of Practice and Procedures, and the minutes for its 1999 and 2000 monthly meetings; and
- Observed several CSC monthly meetings and four of the 35 pre-hearing conferences held in 2000.

This review was conducted in accordance with generally accepted government auditing standards.

Addendum Two

Status of 1998-2000

Civil Service Commission Appeals as of May 14, 2001

Status	1998	%	1999	%	2000	%	Total	%
Open	0	0%	2	8.33%	12	44.44%	14	20.29%
Settled by parties ¹	3	16.67%	2	8.33%	2	7.41%	7	10.14%
Referred, resolved & withdrawn ²	1	5.56%	0	0%	2	7.41%	3	4.35%
Executive Director mediated ³	0	0%	3	12.5%	0	0%	3	4.35%
Jurisdictional dismissal ⁴	3	16.67%	6	25%	8	29.63%	17	24.64%
Pre-hearing ⁵	7	38.89%	5	20.83%	2	7.41%	14	20.29%
Hearing Examiner ⁶	1	5.56%	1	4.17%	0	0%	2	2.9%
Commissioners ⁷	1	5.56%	2	8.33%	0	0%	3	4.35%
Other ⁸	2	11.11%	3	3%	1	3.7%	6	8.7%
Total	18	100%	24	90.5% ⁹	27	100%	69	100%

Source: Civil Service Commission (CSC)

¹Settled by parties without involvement of CSC staff.

²Referred by the CSC to another entity or program (e.g., Seattle Office of Civil Rights, Alternative Dispute Resolution Program, Employee Assistance Program, etc.).

³Mediated by the CSC's Executive Director before the pre-hearing stage.

⁴Dismissed by the CSC (e.g., not timely filed, CSC unable to provide requested remedy, etc.).

⁵Resolved during the pre-hearing conference stage.

⁶Resolved by Formal Hearing - Ruling of the CSC's Hearing Examiner.

⁷CSC Hearing Examiner decisions appealed to and resolved by the CSC's Commissioners.

⁸Withdrawn by appellant, no resolution, etc.

⁹The CSC's Executive Director stated that two appeals filed in 1999 have not been closed because they rest on matters outside of the CSC's control. One, Wyckoff et al, involves a collective bargaining negotiation and the other, Woelfle, requires completion of a study by a consultant hired by a department.

Addendum Three

Survey of Selected Boards and Commissions

Board/Commission	Budget Preparation and Approval	Pre-Approval of External Correspondence	Approval of Lead Staff's Timecard
Ethics & Elections Commission	Executive Director prepares draft, obtains input from Commissioners, makes any needed revisions, and obtains Commissioner approval before submission to City Budget Office	No Commissioner pre-approval, but copies are provided to Commissioners	No Commissioner approval of timecard; Executive Director provides advance notice when she plans to be out of the office for more than one day in a week
Planning Commission	Executive Director prepares budget, shares with Chair and sometimes with Executive Committee before submission to City Budget Office	Executive Committee approves all correspondence sent out on Commission's behalf	No Commissioner approval of timecard; Executive Director provides advance notice of leave plans to Chair and Executive Committee
Police Pension Board	Executive Secretary prepares budget and obtains Board approval before submission to City Budget Office	Board has delegated responsibility to the Executive Secretary for routine correspondence, but Board members' signatures are required for legal documents (e.g., findings of fact and conclusions of law). Executive Secretary consults with the Board on significant correspondence.	No Board approval of timecard; Executive Secretary requests Board approval of leave lasting more than a week
Public Safety Civil Service Commission	Secretary and Chief Examiner prepares draft budget based on Commissioners' guidance and assistance from the City Budget Office	Commission Chair signs significant correspondence and pre-approves informal communications	No Commissioner approval of timecard; Secretary and Chief Examiner provides advance notice of leave

Addendum Four
Civil Service Commission Response to Audit Report



City of Seattle

Paul Schell, Mayor

Civil Service Commission

Miriam Israel Moses, Executive Director

June 26, 2001

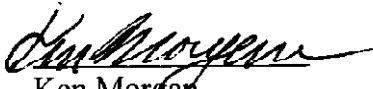
Susan Cohen
City Auditor
Key Tower, Room 4090
Seattle, WA 98104

RE: Response to Final Draft

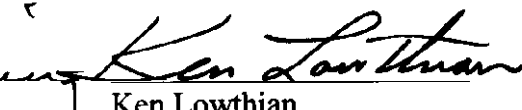
We have received the Final Auditor's Report of the Civil Service Commission. We thank you for your hard work in pointing to areas in which we can improve. We take your suggestions seriously and have already incorporated some of them.

We will be reviewing the remainder of the report to see what other suggestions will be implemented.

Sincerely,


Ken Morgan
Chair


Nina Harding
Commissioner


Ken Lowthian
Commissioner

Office of City Auditor Report Evaluation Form

FAX...WRITE...CALL...DROP BY... HELP US SERVE THE CITY BETTER

Our mission at the Office of City Auditor is to help assist the City in achieving honest, efficient management and full accountability throughout the City government. We service the public interest by providing the Mayor, the City Council and City managers with accurate information, unbiased analysis, and objective recommendations on how best to use public resources in support of the well-being of the citizens of Seattle.

Your feedback helps us do a better job. If you could please take a few minutes to fill out the following information for us, it will help us assess and improve our work.

* * * * *

Report: **Review of the Civil Service Commission**

Please rate the following elements of this report by checking the appropriate box:

	Too Little	Just Right	Too Much
Background Information			
Details			
Length of Report			
Clarity of Writing			
Potential Impact			

Suggestions for our report format: _____

Suggestions for future studies: _____

Other comments, thoughts, ideas: _____

Name (Optional): _____

Thanks for taking the time to help us.

Fax: 684-0900

Mail: Office of City Auditor, Suite 2410, 700 Fifth Avenue, Seattle, WA 98104-5030

Call: Susan Cohen, City Auditor, 233-1084

E-mail: auditor@ci.seattle.wa.us

Drop by and visit: 24th Floor, Key Tower

www.cityofseattle.net/audit/